



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/758,615	01/10/2001	Donald D. Cassel	0428.007	8990

7590 06/11/2002

Marshall E. Rosenberg, Esq.
22232 Dumetz Road
Woodland Hills, CA 91364-3000

EXAMINER

AVERY, BRIDGET D

ART UNIT	PAPER NUMBER
----------	--------------

3618

DATE MAILED: 06/11/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.
09/758,615

Applicant(s)
Cassel, Donald

Examiner
Bridget Avery

Art Unit
3618



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on May 30, 2001
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on May 30, 2001 is/are a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____ 6) ☐ Other:

Art Unit: 3618

DETAILED ACTION

Drawings

1. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, "the riser pad disposed between the baseplate and the skateboard, the riser pad restraining substantial axial displacement of the fastener" (Note, to overcome the objection, Figure 2 should be amended to show the king pin nut between the riser pad and the baseplate to be consistent with applicant's claims) must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.

Art Unit: 3618

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

3. Claims 1-3, 5, 6 are rejected under 35 U.S.C. 102(e) as being anticipated by Reyes et al. (US Patent 6,315,312).

Reyes et al. teaches a wheel truck assembly kit for securing a wheel truck to a chassis for wheeled transport, the wheel truck supporting at least one axle-mounted wheel (34, 35), the kit including a wheel truck baseplate (12) capable of being secured to the chassis, a king pin (36) having an engaging portion (96), a fastener (87) for securing the wheel truck to the baseplate (12), the fastener including a fastener body (87) having an engaging portion complementary to the king pin engaging portion (96), and a shaped projection/shoulder (97) extending from the fastener body (87) configured to be nestingly received and retained against substantial rotation when at least partially projected into a complementary shaped recess (101) provided in baseplate element (94). The fastener is restrained against substantial rotation in the fully installed condition, as described in column 2, lines 33-37. See Figures 1 and 2.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 3618

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 4, 7, 9-17 and 19-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reyes et al. ('312).

Reyes et al. teaches the features described above including a squared shoulder and a complementary recess formed on a plate positioned within the baseplate.

Reyes et al. lacks the teaching of a corresponding recess to the shoulder formed in the baseplate and a shoulder of rectilinear profile.

Based on the teachings of Reyes et al. it would have been obvious to one having ordinary skill in the art, at the time of the applicant's invention, to modify the wheel truck assembly kit to include the corresponding recess to the shoulder in the baseplate, since it has been held that forming in one piece an article which has formerly been formed in two pieces and put together involves only routine skill in the art. See *In re Larson et al.* 144 U.S.P.Q. 347. A shoulder of rectilinear profile merely represent a change in shape which is well within the level of ordinary skill in the art to accommodate the king pin structure.

6. Claim 8, 18 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reyes et al. ('312) in view of Gesmer et al. (US Patent 5,263,725).

Reyes et al. teaches the features described above.

Reyes et al. lacks the teaching of a riser plate between the baseplate and the skateboard.

Art Unit: 3618

Gesmer et al. teaches a skate board truck assembly including riser plates between the baseplate and the skateboard platform.

Based on the teachings of Gesmer et al., it would have been obvious to one having ordinary skill in the art, at the time the invention was made, to modify the wheel kit assembly of Reyes et al. to include riser plates to provide for wheel clearance between the axle and the undersurface of the skateboard. Also note, the function of the riser pad restraining substantial axial displacement of the fastener is inherently met by the structure.

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Andersen et al. shows a shock absorbing skateboard truck assembly.

Shih shows a wheel axle mounting structure of a roller skate.

Smith et al. shows skateboards.

Cassel shows a high performance grinding king pin and associated apparatus.

Hansen shows a truck apparatus for skate and skateboard devices.

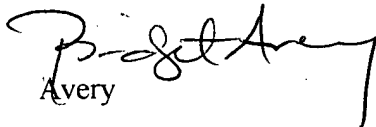
Widolf shows a skateboard truck.

Kimmell shows a truck for skateboards or the like.

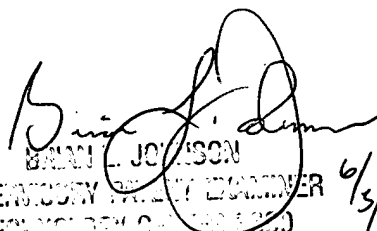
Pinchock shows a truck assembly for a skate-like device.

Art Unit: 3618

8. Any inquiry concerning this communication should be directed to Bridget Avery at telephone number 703-308-2086.


Avery

May 31, 2002


BRIAN L. JOHNSON
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1900
6/5/02